

at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about January 13, 1936, by Swift & Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance, containing portions of insects.

On June 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25790. Adulteration and misbranding of relish, and misbranding of mayonnaise and salad dressing. U. S. v. 2 Cases of Relish, and other libels. (F. & D. nos. 37198, 37200, 37207, 37208. Sample nos. 53120-B, 53121-B, 53122-B, 53123-B.)

Examination of these products showed that they were short in volume, and that the relish was undergoing active decomposition.

On February 14, 1936, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 jars of salad dressing at Lancaster, S. C. On or about February 24, 1936, libels were filed against two cases of relish at Cheraw, S. C., four cases of mayonnaise, and nine cases of salad dressing at Bennettsville, S. C. The libels alleged that the articles had been shipped in interstate commerce in part on or about November 18, 1935, and in part on or about January 13, 1936, by the S. & S. Mayonnaise Manufacturing Co., from Winston-Salem, N. C., that they were misbranded, and that the relish also was adulterated in violation of the Food and Drugs Act as amended. The articles were labeled: "Ladyette Brand Relish" [or "Mayonnaise" or "Dressing for Salad"] * * * Ladyette Mfg. Co. * * * Winston-Salem, N. C." The quantity of the contents was declared on the labels of the salad dressing "1 Quart", "1 Pint", or "½ Pint", and on the labels of the remaining products "½ Pint."

The relish was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

The products were alleged to be misbranded in that the statements on the labels, "1 Quart", "1 Pint", or "½ Pint", were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 24 and 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25791. Misbranding of vanilla flavoring. U. S. v. 44 Dozen Bottles and 982 Bottles of Vanilla Flavoring. Default decrees of condemnation and destruction. (F. & D. nos. 37205, 37206. Sample nos. 52190-B, 54629-B.)

These cases involved an interstate shipment of so-called vanilla flavoring which was represented on the label to contain vanilla derivatives when it contained a small quantity of or no vanilla derivatives, and which was an imitation vanilla flavoring and was not plainly labeled as such. The bottles containing one lot of the article were short in volume.

On February 17, 1936, the United States attorneys for the Western District of New York and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 982 bottles of so-called vanilla flavoring at Buffalo, N. Y., and 44 dozen bottles of the same product at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about August 22 and December 14, 1935, by the Pennex Products Co., from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Imitation Vanilla Flavoring Coumarin-Caramel Color Other Vanilla Derivatives." A portion was further labeled: "Red Top Brand 3 Fl. Ozs. * * * Pennex Products Co. Pittsburgh, Pa." The remainder was further labeled: "Thrifton Brand 8 Fl. Oz * * * Prepared for Danahy-Faxon Stores, Inc."

The article was alleged to be misbranded in that the statements, "Vanillin-Coumarin-Caramel Color Other Vanilla Derivatives", borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained little or no vanilla derivatives; and in

that the article was an imitation and was not plainly labeled as such, since the word "Imitation" was relatively inconspicuous when compared with the word "Vanilla." Misbranding was alleged with respect to the product contained in the smaller bottles for the further reason that the statement "3 Fl. Ozs." borne on the label, was false and misleading since the bottles contained less than 8 fluid ounces; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 28 and April 2, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25792. Misbranding of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 87209. Sample no. 65801-B.)

This case involved canned shrimp which was labeled to convey the impression that it had been packed under Federal inspection. Examination showed that it was packed at a plant which was not under Federal inspection.

On February 15, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned shrimp at Brockton, Mass., alleging that the article had been shipped in interstate commerce on or about September 6, 1935, by the Deer Island Fish & Oyster Co., from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wild Rose * * * Production Supervised by U. S. Food and Drug Administration. Wet Pack Shrimp. Packed for R. F. Owens Co. * * * Brockton, Mass."

The article was alleged to be misbranded in that the statement on the label, "Production Supervised by U. S. Food and Drug Administration", was false and misleading and tended to deceive and mislead the purchaser, since its production had not been supervised by the United States Food and Drug Administration.

On March 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25793. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 37239. Sample no. 65590-B.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On January 24, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Somerville, Mass., consigned about January 15, 1936, alleging that the article had been shipped in interstate commerce by the Pipestone Produce Co., from Pipestone, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On January 30, 1936, the Pipestone Produce Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under cash bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

25794. Adulteration of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 37240. Sample no. 40871-B.)

This case involved butter which contained less than 80 percent by weight of milk fat.

On December 20, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., consigned by the Huggins Dairy, Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about